

HOUSE BILL 683

P4

11r1468
CF SB 430

By: **Delegates Jones, Burns, and Nathan-Pulliam**

Introduced and read first time: February 10, 2011

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 5, 2011

CHAPTER _____

1 AN ACT concerning

2 **Baltimore County – Public School Employees – Collective Bargaining and**
3 **~~Representation Fees~~ Units**

4 FOR the purpose of requiring the Board of Education of Baltimore County to ~~negotiate~~
5 ~~certain fees with certain employee organizations representing certain~~
6 ~~certificated and noncertificated employees to be charged to certain nonmembers~~
7 ~~hired or promoted into a unit on or before a certain date for certain~~
8 ~~representation when membership includes a certain percentage of those eligible~~
9 ~~for membership; requiring the Board to negotiate certain fees with certain~~
10 ~~employee organizations representing certain certificated and noncertificated~~
11 ~~employees to be charged to certain nonmembers who are hired or promoted into~~
12 ~~a unit on or after a certain date~~ meet and confer with an employee organization
13 that represents certain certificated and noncertificated employees by a certain
14 date regarding a certain matter; and generally relating to collective bargaining
15 ~~and representation fees~~ units for ~~certain~~ certificated and noncertificated school
16 personnel in Baltimore County.

17 ~~BY repealing and reenacting, with amendments,~~
18 ~~Article – Education~~
19 ~~Section 6 – 504~~
20 ~~Annotated Code of Maryland~~
21 ~~(2008 Replacement Volume and 2010 Supplement)~~

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That ~~the Laws of Maryland read as follows:~~ the Board of Education of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Baltimore County shall meet and confer with an employee organization that is
 2 designated as the exclusive representative of a unit that consists of employees whose
 3 position requires an administrative and supervisory certificate and supervisory
 4 noncertificated employees, as defined under § 6-501(h) of the Education Article, by
 5 November 1, 2011, regarding the job titles to be included in the unit.

6 **~~Article—Education~~**

7 ~~6-504.~~

8 ~~(a) A public school employee may refuse to join or participate in the activities~~
 9 ~~of employee organizations.~~

10 ~~(b) (1) In Montgomery County, Allegany County, Charles County, and~~
 11 ~~Howard County, the county board, with respect to noncertificated employees, shall~~
 12 ~~negotiate a structure of reasonable service fees to be charged nonmembers for~~
 13 ~~representation in negotiations and grievance matters by employee organizations.~~

14 ~~(2) In Charles County, the provisions of this subsection shall apply~~
 15 ~~only to employees hired on or after July 1, 2005.~~

16 ~~(c) In Prince George's County, the county board shall negotiate an~~
 17 ~~organizational security provision, commonly known as "agency shop", with employee~~
 18 ~~organizations.~~

19 ~~(d) (1) In Anne Arundel County[, Baltimore County,] and Garrett County,~~
 20 ~~the county board, with respect to noncertificated employees, may negotiate a structure~~
 21 ~~of reasonable service fees to be charged nonmembers for representation in negotiations~~
 22 ~~and grievance matters by employee organizations.~~

23 ~~(2) In Anne Arundel County, if the county board negotiates a structure~~
 24 ~~of fees as authorized under this subsection:~~

25 ~~(i) Each party shall:~~

26 ~~1. Confer in good faith, at all reasonable times; and~~
 27 ~~2. Reduce to writing the matters agreed on as a result of~~
 28 ~~the negotiations; and~~

29 ~~(ii) Neither party is required to agree to any proposal or to make~~
 30 ~~any concession.~~

31 ~~(3) [(i) The provisions of this paragraph apply if an agency or~~
 32 ~~representation fee is negotiated in Baltimore County.~~

1 (ii) 1. ~~Subject to the provisions of subparagraph 2 of this~~
2 ~~subparagraph, the employee organization designated as the exclusive representative~~
3 ~~for the public school employees shall indemnify and hold harmless the Board of~~
4 ~~Education of Baltimore County against any and all claims, demands, suits, or any~~
5 ~~other forms of liability that may arise out of, or by reason of, action taken by the board~~
6 ~~for the purpose of complying with any of the agency or representation fee provisions of~~
7 ~~the negotiated agreement.~~

8 2. ~~The board shall retain without charge to the board the~~
9 ~~services of counsel that are designated by the exclusive representative with regard to~~
10 ~~any claim, demand, suit, or any other liability that may arise out of, or by reason of,~~
11 ~~action taken by the board for the purpose of complying with any of the agency or~~
12 ~~representation fee provisions of the negotiated agreement.~~

13 (iii) ~~The employee organization designated as the exclusive~~
14 ~~representative shall submit to the board an annual audit from an external auditor~~
15 ~~that reflects the operational expenses of the employee organization and explains how~~
16 ~~the representation fee is calculated based on the audit.~~

17 (iv) 1. ~~The agency or representation fee shall be based only~~
18 ~~on the expenses incurred by the employee organization in its representation in~~
19 ~~negotiations, contract administration, including the handling of grievances, and other~~
20 ~~activities as required under § 6-509 of this subtitle; and~~

21 2. ~~Any political activities of the employee organization~~
22 ~~designated as the exclusive representative may not be financed by the funds collected~~
23 ~~from the agency or representation fee.~~

24 (4)] ~~In Garrett County, if a noncertificated employee was not a public~~
25 ~~school employee at the time that a service fee under paragraph (1) of this subsection~~
26 ~~was initiated, the noncertificated employee may not be charged a service fee.~~

27 **~~(E) (1) THIS SUBSECTION APPLIES ONLY TO BALTIMORE COUNTY.~~**

28 **~~(2) THE COUNTY BOARD, WITH RESPECT TO ANY UNIT THAT~~**
29 **~~CONSISTS OF BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS~~**
30 **~~DESCRIBED IN § 6-404(C)(2) OF THIS TITLE, SHALL NEGOTIATE A STRUCTURE~~**
31 **~~OF REASONABLE SERVICE FEES TO BE CHARGED NONMEMBERS WHO ARE HIRED~~**
32 **~~OR PROMOTED INTO A UNIT ON OR BEFORE JUNE 30, 2011, FOR~~**
33 **~~REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION, GRIEVANCE~~**
34 **~~MATTERS, AND ALL OTHER ACTIVITIES AS REQUIRED UNDER § 6-509 OF THIS~~**
35 **~~SUBTITLE WHEN MEMBERSHIP IN THE UNIT INCLUDES 60 PERCENT OR MORE OF~~**
36 **~~THOSE ELIGIBLE FOR MEMBERSHIP.~~**

37 **~~(3) (1) THIS PARAGRAPH APPLIES ONLY TO EMPLOYEES WHO~~**
38 **~~ARE HIRED OR PROMOTED ON OR AFTER JULY 1, 2011, INTO A UNIT THAT~~**

1 ~~CONSISTS OF BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS~~
2 ~~DESCRIBED UNDER § 6 404(C)(2) OF THIS TITLE.~~

3 ~~(H) THE COUNTY BOARD, WITH RESPECT TO ANY UNIT THAT~~
4 ~~REPRESENTS BOTH CERTIFICATED AND NONCERTIFICATED EMPLOYEES, AS~~
5 ~~DESCRIBED IN § 6 404(C)(2) OF THIS TITLE, SHALL NEGOTIATE A REASONABLE~~
6 ~~SERVICE FEE TO BE CHARGED NONMEMBERS WHO ARE HIRED OR PROMOTED~~
7 ~~INTO A UNIT ON OR AFTER JULY 1, 2011, FOR REPRESENTATION IN~~
8 ~~NEGOTIATIONS, CONTRACT ADMINISTRATION, GRIEVANCE MATTERS, AND ALL~~
9 ~~OTHER ACTIVITIES AS REQUIRED UNDER § 6 509 OF THIS SUBTITLE.~~

10 ~~(4) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY IF AN~~
11 ~~AGENCY OR REPRESENTATION FEE IS NEGOTIATED IN THE COUNTY.~~

12 ~~(H) 1. SUBJECT TO THE PROVISIONS OF~~
13 ~~SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, THE EMPLOYEE ORGANIZATION~~
14 ~~DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE FOR THE PUBLIC SCHOOL~~
15 ~~EMPLOYEES SHALL INDEMNIFY AND HOLD HARMLESS THE COUNTY BOARD~~
16 ~~AGAINST ANY AND ALL CLAIMS, DEMANDS, SUITS, OR ANY OTHER FORMS OF~~
17 ~~LIABILITY THAT MAY ARISE OUT OF, OR BY REASON OF, ACTION TAKEN BY THE~~
18 ~~BOARD FOR THE PURPOSE OF COMPLYING WITH ANY OF THE AGENCY OR~~
19 ~~REPRESENTATION FEE PROVISIONS OF THE NEGOTIATED AGREEMENT.~~

20 ~~2. THE COUNTY BOARD SHALL RETAIN WITHOUT~~
21 ~~CHARGE TO THE COUNTY BOARD THE SERVICES OF COUNSEL THAT ARE~~
22 ~~DESIGNATED BY THE EXCLUSIVE REPRESENTATIVE WITH REGARD TO ANY~~
23 ~~CLAIM, DEMAND, SUIT, OR ANY OTHER LIABILITY THAT MAY ARISE OUT OF, OR~~
24 ~~BY REASON OF, ACTION TAKEN BY THE COUNTY BOARD FOR THE PURPOSE OF~~
25 ~~COMPLYING WITH ANY OF THE AGENCY OR REPRESENTATION FEE PROVISIONS~~
26 ~~OF THE NEGOTIATED AGREEMENT.~~

27 ~~(H) THE EMPLOYEE ORGANIZATION DESIGNATED AS THE~~
28 ~~EXCLUSIVE REPRESENTATIVE SHALL SUBMIT TO THE COUNTY BOARD AN~~
29 ~~ANNUAL AUDIT FROM AN EXTERNAL AUDITOR THAT REFLECTS THE~~
30 ~~OPERATIONAL EXPENSES OF THE EMPLOYEE ORGANIZATION AND EXPLAINS~~
31 ~~HOW THE REPRESENTATION FEE IS CALCULATED BASED ON THE AUDIT.~~

32 ~~(IV) 1. THE AGENCY OR REPRESENTATION FEE SHALL BE~~
33 ~~BASED ONLY ON THE EXPENSES INCURRED BY THE EMPLOYEE ORGANIZATION~~
34 ~~IN ITS REPRESENTATION IN NEGOTIATIONS, CONTRACT ADMINISTRATION,~~
35 ~~INCLUDING THE HANDLING OF GRIEVANCES, AND OTHER ACTIVITIES AS~~
36 ~~REQUIRED UNDER § 6 509 OF THIS SUBTITLE; AND~~

1 ~~2. ANY POLITICAL ACTIVITIES OF THE EMPLOYEE~~
2 ~~ORGANIZATION DESIGNATED AS THE EXCLUSIVE REPRESENTATIVE MAY NOT BE~~
3 ~~FINANCED BY THE FUNDS COLLECTED FROM THE AGENCY OR REPRESENTATION~~
4 ~~FEES.~~

5 ~~[(c)] (F)~~ ~~In Baltimore City, the public school employer shall negotiate with~~
6 ~~the employee organization designated as the exclusive representative for the public~~
7 ~~school employees in a unit, a reasonable service or representation fee to be charged to~~
8 ~~nonmembers for representing them in negotiations in the same manner that any such~~
9 ~~fee was permitted under law and bargained for prior to January 1, 1997.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.